

9-15-05
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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

SEP 15 2005

Regulatory Branch

Ash Grove Cement Company
3801 East Marginal Way South
Seattle, Washington 98134

Reference: 200100155
Ash Grove Cement

Ladies and Gentlemen:

On January 15, 2003, we issued the above-referenced Department of the Army permit for maintenance dredging in the Lower Duwamish Waterway at Seattle, Washington. The permit authorizes multiple dredging actions over a 10-year period. The permit expires on January 15, 2013.

My staff has received concurrence from the National Marine Fisheries Service and the U.S. Fish and Wildlife Service regarding Endangered Species Act (ESA) coordination. Both agencies have concurred with the Biological Evaluation which states the above referenced project may affect, but is not likely to adversely affect the Puget Sound Chinook, coastal-Puget Sound bull trout, and bald eagle. ESA coordination is complete for your proposed second dredge cycle, as required by Special Condition "a" of your permit.

The following special condition is added to your permit to ensure ESA compliance:

[Replaces Special Condition "f"]. You must implement the ESA requirements and/or agreements set forth in the *Biological Evaluation, Ash Grove Cement Maintenance Dredging*, dated June 2005, in their entirety. The U.S. Fish and Wildlife Service (USFWS) concurred with a finding of "may affect, not likely to adversely affect" the bull trout and bald eagle based on this document on August 25, 2005 (USFWS Reference Number 1-3-05-I-0554). The National Marine Fisheries Service (NMFS) concurred with a finding of "may affect, not likely to adversely affect" Chinook salmon based on this document on August 26, 2005 (NMFS Reference Number 2005/03884). Failure to comply with the commitments made in this document constitutes non-compliance with the ESA and your U.S. Army Corps of Engineers permit. The USFWS/NMFS is the appropriate authority to determine compliance with ESA.

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The terms and conditions contained in the original permit, except as revised herein, remain in full force and effect. You are hereby authorized to commence dredging and open water disposal of dredged material per the requirements of your permit.

A copy of this letter will be furnished to Kristin Noreen, Anchor Environmental L.L.C., 1423 Third Avenue, Suite 300, Seattle, Washington 98101. If you have any questions, please contact Suzanne Skadowski at (206) 764-6984 or via email at Suzanne.A.Skadowski@usace.army.mil.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



for Debra M. Lewis
Colonel, Corps of Engineers
District Engineer